

**REMARKS**

Claims 1-12 are pending in the application.

Claim 1 is amended to recite an agent comprising water, at least one cosmetic additive, optionally at least one monohydric alcohol with 1 to 4 carbon atoms, and optionally at least one dihydric or trihydric alcohol with 2 to 6 carbon atoms in addition to at least one indolylthiazoliumazo dye of general formula (I). Support for this amendment may be found, for example, in the specification from page 14, line 29, to page 18, line 29, and the examples.

Claim 1 is amended to make the symbol for the Nitrogen atom to which the R4 group is attached more clear.

Claim 6 is amended to correct the spelling of "compound."

Claims 1-12 are amended to recite the claims using language common to U.S. practice.

No new matter is added.

**Double Patenting**

Claims 1-12 are provisionally rejected as being unpatentable over claims 1-11 copending Application No. US 10/588,934.

In response to the provisional rejection, Applicant submits herewith a terminal disclaimer.

### **Claims Rejections 35 U.S.C. 102**

Claims 1-6, 10, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by **Dorsch** et al. (US 4,104,268). The Examiner's rejection has been carefully considered.


Claim 1 is amended to recite an agent that includes water and at least one cosmetic additive in addition to at least one indolylthiazoliumazo dye of general formula (I). Dorsch does not disclose, teach, or suggest an agent as recited in claim 1, as amended. The cited reference does not disclose, teach, or suggest the use of the dyes disclosed therein for coloring hair or the combination of the disclosed dyes with cosmetic additives.

In view of the amendment to claim 1 and the foregoing arguments, Applicant respectfully requests that the rejection of claims 1-12 as being anticipated by Dorsch be withdrawn.

### **Conclusion**

The application in its amended state is believed to be in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized 'M' followed by a long horizontal stroke.

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